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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,754	09/12/2003	Nobuo Komeyama	K06-161131M/TBS	5978
21254	7590	06/09/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,754	<b>Applicant(s)</b> KOMEYAMA ET AL.	
	<b>Examiner</b> Greg Binda	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-14, 40-47 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-14, 40-47 and 50-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: <u>20060607</u>                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Response to Amendment*

2. The amendment filed May 1, 2006 is objected to because it fails to include the appropriate markings at all of the changes made to the specification in the paragraph beginning at page 8, line 18.
3. The amendment filed May 1, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "hardness at a depth of up to 0.4 mm from the surface [of the shoulder portions 2d] is work-hardened to be equal to or larger than Hv700". (Note: originally filed Fig. 2 does not support this amendment because Fig. 2 is particular to the race portion 2c, not the shoulder portions 2d.)

Applicant is required to cancel the new matter in the reply to this Office Action.

*Drawings*

4. The replacement drawings filed May 1, 2006 are approved.
5. The drawings are objected to because in Fig. 2 the lead line for "shot-peened product" points not to the shot-peened product curve, but instead to the roller burnished product curve.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

7. The specification is objected to as failing to provide proper antecedent basis for the subject matter in claims 41 & 42.

In the amendment filed May 1, 2006, applicant argues that the subject matter of claims 41 & 42 is described at page 14, lines 7-23. However, in that portion of the specification, only the cross shaft member (i.e. not the bearing cups recited in claims 41 & 42) is described as being made of carbon steel or as having a particular carbon content.

*Claim Rejections - 35 USC § 112*

8. Claims 14, 45 & 53-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. There does not appear to be a written description of the limitations of claim 14 in the application as originally filed. In the amendment filed May 1, 2006, applicant states that Fig. 2 provides written support for claim 14. However, Fig. 2 is particular to the race portions 2c (see page 5, lines 24+), not the shoulder portions recited in claim 14.

b. There does not appear to be a written description of the limitations of claim 45 in the application as originally filed. In the amendment filed May 1, 2006, applicant states that the specification supports the claim because it has been amended to describe a particular hardness at a particular depth. However, (1) an amendment made after the time of filing does not provide support that must be found in the application as *originally* filed, and (2) the limitations in claim 45 are not directed to a particular hardness at a particular depth.

c. Applicant has not pointed out where the limitations of claim 53-55 are supported, nor does there appear to be a written description of the limitations in the application as originally filed.

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9. Claims 1-4, 11-14, 40-47, 50-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1 & 50 recite the limitation "the round-shape section". There is insufficient antecedent basis for this limitation in the claims.

b. Claims 1 & 50 recite the limitation "the round-shape section" but do not recite to which element(s) the round shape section pertains.

*Allowable Subject Matter*

10. Claims 1-4, 11-13, 40-44, 46, 47 & 50-52 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Allowable material is indicated because the prior art fails to show or suggest a cross joint having all the limitations of either claim 1 or claim 50.

a. Gall, GB 1,117,088; Laster, US 3,039,183; and Laughlin, US 1,630,898 each show a cross joint having some of the limitations of the claims, but none shows or suggest shoulder portions that are round shaped having a center of curvature at an outer side of the cross shaft member.

b. Ostrovsky et al, US 3,655,466 each shows a cross joint having many of the limitations of the claims, but does not show or suggest all the limitations of the claims as noted in detail in the remarks included with the amendment filed December 7, 2005 .

*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greg Binda  
Primary Examiner  
Art Unit 3679